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Docket No.: 8733.014.00-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yong-Sung HAM

Confirmation No.: 7940

Application No.: 09/134,405

Art Unit: 2871

Filed: August 14, 1998

Examiner: Tai V. Duong

For: IN-PLANE SWITCHING MODE LIQUID
CRYSTAL DISPLAY DEVICE

Customer No.: 30827

REQUEST FOR RECONSIDERATION AFTER FINAL OFFICE ACTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action, mailed January 25, 2005, wherein pending claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26 have been finally rejected, Applicant respectfully requests favorable reconsideration in view of the remarks presented herein below.

On page 2 of the Office Action ("Action"), the Examiner rejects claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,266,116 to Ohta et al. ("Ohta") in view of U.S. Patent No. 4,653,859 to Masaki ("Masaki"). Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. §103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some motivation to combine/modify the applied references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26 are not rendered unpatentable by the combination of Ohta and Masaki because the Examiner fails to establish a *prima facie* case of obviousness as discussed below.

In rejecting claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26, the Examiner asserts that amended claims 5 and 16 exclude polyimide as the first alignment layer. Therefore, the Examiner asserts that the only difference between the in-plane switching mode LCD device

OK TO ENTER
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